

REMARKS

The foregoing amendment amends claims 1 and 5, cancels claims 2-4 and 6-7 and adds new claims 16-29. Pending in the application are claims 1, 5, and 12-29, of which claims 1, 5, 17, 19, 21, 24 and 27 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Independent claim 1 is amended to include the patentable subject matter of claim 2.

Independent claim 5 is amended to include the patentable subject matter of claim 6.

New claim 16 depends from claim 5 and recites the subject matter of original claim 3.

New independent claim 17 corresponds to the subject matter of claims 1 and 3, which the Examiner indicated to recite patentable subject matter. Claim 18 depends from claim 17 and further recites that the liquid exhaust mechanism comprises at least one drainage hole provided below the off-gas flow entrance, as recited in claim 14 and described in the specification.

New independent claim 19 corresponds to the subject matter of claims 1 and 4, which the Examiner indicated to recite patentable subject matter. Claim 20 depends from claim 19 and further recites that the liquid exhaust mechanism comprises at least one drainage hole provided below the off-gas flow entrance, as recited in claim 14 and described in the specification.

New independent claim 21 corresponds to the subject matter of claims 1 and 12. New claim 22 depends from claim 21 and further recites that the liquid exhaust mechanism comprises at least one drainage hole provided below the off-gas flow entrance, as recited in claim 14 and described in the specification. New claim 23 depends from claim 21 and further recites that the humidifier includes a storing unit and a supplementary humidification unit, as set forth in original independent claim 3.

New independent claim 24 corresponds to the subject matter of claims 5 and 7, which the Examiner indicated to recite patentable subject matter. Claim 25 and 26 depend from claim 24 and further recite the subject matter of claims 14 and 3, respectively.

New independent claim 27 corresponds to the subject matter of claims 5 and 13. Claim 28 and 29 depend from claim 27 and further recite the subject matter of claims 14 and 3, respectively. *No new matter is added.*

Amendment and/or cancellation of the claims are not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and were done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

Double Patenting

Applicants thank the Examiner for the close review of the claims and for the reconsideration and withdrawal of the previous rejection of claims 1, 5, 14 and 15 under 35 U.S.C. 102. Regarding the rejection of claims 1, 5 and 12-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,554,261 in view of Applicants' admitted prior art in the present application, Applicants have amended independent claims 1 and 5 to include the patentable subject matter of claims 2 and 6, respectively, which overcomes the double-patenting rejection.

New independent claim 21 recites the subject matter of claim 12, rewritten in independent form. New independent claim 27 recites the subject matter of claim 13, rewritten in independent form. The Examiner considers the subject matter of these claims to be unpatentable over commonly-owned U.S. Patent No. 6,554,261 in view of Applicants' admitted prior art in the present application. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to preemptively overcome an obviousness-type double patenting rejection of claims 21 and 27. The terminal disclaimer disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,554,261.

In view of the above, Applicants respectfully request that the obviousness-type double patenting rejection of claims 1, 5 and 12-15 over claim 5 of U.S. Patent No. 6,554,261 in view of Applicants' admitted prior art be reconsidered and withdrawn. Applicants also submit that claims 21-23 and 27-29 are also patentable over U.S. Patent No. 6,554,261 and Applicants' admitted prior art.

Regarding the provisional rejection of claims 1, 5, 14 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/764,277 (Patent Application Publication US 2001/0021467) in view of Applicants' admitted prior art in the present application, Applicants have amended claims 1 and 5 to include subject matter indicated as patentable by the Examiner. Therefore, independent claims 1 and 5, as well as dependent claims 14 and 15 are now patentable over copending Application No. 09/764,277 and the admitted prior art.

Claim Rejections Under 35 USC § 103

Regarding the rejection of claims 1, 5, 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in the present application, independent claims 1 and 5 have been amended to include the subject matter of claims 2 and 6, respectively, which has been indicated as patentable by the Examiner. Therefore, independent claims 1 and 5, as well as dependent claims 14 and 15 are now patentable over the admitted prior art.

As recognized by the Examiner, the cited references, alone or in combination, do not teach or suggest a humidifier including a water blockage detecting unit, as now recited in independent claim 1. The cited references, alone or in combination, also do not teach or suggest a humidifier including a water level sensor and a controller that uses the liquid exhaust mechanism to exhaust the water when the water level sensor has detected that water is accumulating, as now recited in independent claim 5. Therefore, claims 1, 5 and 12-16, which depend from claim 1 or 5, are in immediate condition for allowance.

New Claims

New claims 16-29 recite various combinations of subject matter indicated as patentable by the Examiner, and are therefore patentable as well.

As recognized by the Examiner, the cited references, alone or in combination, do not teach or suggest a humidifier including a storing unit and supplementary humidification unit, as recited in independent claim 17 and dependent claim 18.

As also recognized by the Examiner, the cited references, alone or in combination, do not teach or suggest a humidifier including an output power detecting unit and a controller, which uses the liquid exhaust mechanism to exhaust the liquid when the output power detected by the output power detecting unit is below a predetermined value, as recited in independent claims 19 and 24. Therefore, claims 19-20 and 24-26 are also in immediate condition for allowance.

As described above, new claims 21-23 and 27-29 are also patentable over the cited references in view of, among other reasons, the terminal disclaimer submitted herewith.


CONCLUSION

In view of the above amendments, terminal disclaimer and remarks, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicants' representative at the telephone number listed below.

Applicants believe no fee is due with this Amendment. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-013 from which the undersigned is authorized to draw.

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Respectfully submitted,

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